



SCANNED

1 Respondent has been, and continues to be, in the custody of the  
2 Federal Bureau of Prisons at the Los Angeles Metropolitan  
3 Detention Center.

4 WHEREAS, on December 27, 2006, the Court issued an order  
5 appointing Hy Malinek, Ph.D., as its expert to conduct an  
6 evaluation of Respondent to determine whether Respondent is a  
7 sexually dangerous person subject to civil commitment pursuant to  
8 18 U.S.C. §§ 4247(b), (c), and 4248(b).

9 WHEREAS, on or about February 20, 2007, the parties and the  
10 Court received copies of Dr. Malinek's Clinical Evaluation Report  
11 ("Report") concerning Respondent. In that Report, Dr. Malinek  
12 opines that Respondent does not meet the criteria for civil  
13 commitment under 18 U.S.C. §§ 4247 and 4248. Specifically, Dr.  
14 Malinek states in the Report that "the evidence that Mr. Harnden  
15 is likely to sexually reoffend is presently insufficient to  
16 recommend civil commitment as a sex offender."

17 WHEREAS, on February 21, 2007, the government filed an Ex  
18 Parte Application to Dismiss Petition for Hearing Pursuant to 18  
19 U.S.C. § 4248 ("Ex Parte Application") based on Dr. Malinek's  
20 opinions and conclusions. In that Application, the government  
21 requests that its Petition for Hearing Pursuant to 18 U.S.C.  
22 § 4248 to Determine Whether Person Is a Sexually Dangerous Person  
23 be dismissed and that Respondent be released from custody to  
24 begin serving his term of supervised release.

25 Accordingly, for good cause shown, as set forth in the  
26 government's Ex Parte Application and Dr. Malinek's Report, IT IS  
27 HEREBY ORDERED:

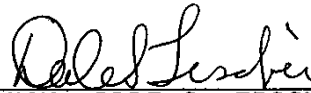
SCANNED

(1) That the Government's Petition for Hearing Pursuant to  
18 U.S.C. § 4248 to Determine Whether Person Is a  
Sexually Dangerous Person be DISMISSED; and

(2) That Respondent Daniel Scott Harnden be released  
forthwith from the custody of the Federal Bureau of  
Prisons at the Los Angeles Metropolitan Detention  
Center to the custody of the United States Probation  
Office.

IT IS SO ORDERED.

Dated: 2-21-07

  
THE HON. DALE S. FISCHER  
United States District Judge

CERTIFICATE OF SERVICE

SCANNED

I, Marian Cannon, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is the Office of United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction I served a copy of:

**[PROPOSED] ORDER RE: GOVERNMENT'S EX PARTE APPLICATION TO DISMISS PETITION FOR HEARING PURSUANT TO 18 U.S.C. § 4248**

☒ Placed in a closed envelope, for collection and interoffice delivery addressed as follows:

☐ Placed in a sealed envelope for collection and mailing via United States Mail, addressed as follows:

☐ By hand delivery addressed as follows:

☐ By facsimile as follows:

☐ By messenger as follows:

☐ By federal express as follows:

Myra Sun, Esq.  
Office of Federal Public Defender  
321 East Second Street  
Los Angeles, CA 90012 [Inter-Office Mail]

This Certificate is executed on February 21, 2007 at Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.

